

7 FAM 1930

GENERAL GUIDELINES FOR ASSISTING VICTIMS OF CRIMES

*(CT:CON-407; 06-29-2012)
(Office of Origin: CA/OCS/L)*

7 FAM 1931 BASIC PRINCIPLES OF VICTIM ASSISTANCE

(CT:CON-98; 12-13-2004)

Following are basic principles of victim assistance and guidance for assisting U.S. citizen/national victims of crime who request your help. Crimes differ in severity and sensitivity and therefore the way you assist an individual may vary according to the crime and the victim's reaction. Guidance specific to incidences of homicide, sexual assault, child physical and sexual abuse, and domestic violence follow at 7 FAM 1932. There are three categories of concern that you should understand and address as indicated below: (1) Safety and Security, (2) Ventilate and Validate, and (3) Predict, Prepare and Inform.

7 FAM 1931.1 Safety and Security

(CT:CON-98; 12-13-2004)

- a. Respond expeditiously; be on the scene as soon as possible or be in contact with the victim or his/her family by telephone after verifying the victim is who he/she says he/she is. Let them know you are “sorry that it (crime) happened” to them and you are “here to help” them. If you are unable to go to the scene, and if it is possible, enlist a volunteer from the U. S. citizen community or wardens near the victim to assist.
 - (1) Make the victim feel safe and protected from further harm; assist traumatized U.S. citizen/national crime victims in a compassionate and professional manner;
 - (2) Obtain information about what happened and assess the physical safety and immediate medical needs;
 - (3) Assist in obtaining appropriate medical care for injuries; and
 - (4) Assist with basic needs such as shelter, food, clothing and personal hygiene, as appropriate.

- b. You or the duty officer should stay in touch with the medical facility and police until the situation is stabilized. Remind the medical facility to keep you informed and to authorize consular access if necessary.
- c. Make necessary telephone calls to relatives/friends for the victim especially during the first 24-48 hours following the crime. Relay information to family, friends, Congressional offices, etc. consistent with the Privacy Act.
 - (1) Talk to the victim about what happened and his/her reactions; observe the victim's behavior, words and demeanor. Be aware that his/her traditional ways of coping may be ineffective in dealing with the crisis; and
 - (2) Assist in providing a supportive environment (family, friends, local agencies); provide information about local sources of assistance available; coordinate with host country authorities. See the Foreign Victim Compensation Programs Tab in the "Consular Assistance to Victims of Crime Resource Notebook", on the CA/OCS Intranet feature.
- d. Work with local service providers to identify and address the medical needs of the victim.
 - (1) Is specialized medical treatment or transportation needed?
 - (2) Are specialized services such as rape crisis counseling and medical/forensic examination needed?
- e. Determine the victim's concerns and assist in dealing with immediate practical consequences of the crime. Basic physical needs: shelter, food, clothing, and personal necessities should be identified and addressed. Meeting these needs provides comfort and reassurance to the victim.
 - (1) You can alleviate fear by changing a hotel room or moving the victim to the company of a relative/friend; and
 - (2) Work with local government law enforcement to determine if there is a continuing threat of attack or injury, e.g. has the assailant been identified and/or apprehended; did the assailant threaten to return?
- f. Assist victims of crime abroad and their families in receiving necessary services while still overseas; assist victims in continuing those services in the U.S. if appropriate and desired. Refer him/her to crime victim assistance and compensation programs in his/her home area. Compensation programs often provide funds for medical treatment, burials, loss of support benefits and counseling. See the Foreign Victim Compensation Programs Tab and U.S. Victims Compensation Programs Tab in the "Consular Assistance to Victims of Crime Resource Notebook."
- g. In trying to assist, always keep in mind the limitations on your authority

described in 7 FAM 1922 and 7 FAM 1925.

7 FAM 1931.2 Ventilate and Validate

(CT:CON-98; 12-13-2004)

- a. Listen with empathy and care. The victim may need to tell his/her story over and over again.
- b. Acknowledge his/her traumatic reactions and provide emotional support.
- c. Respond in a nonjudgmental manner and reassure the victim that reactions such as fear, rage, and concerns about safety, are not uncommon, and are a justifiable reaction to a traumatic event. Help to dispel the victim's feeling of self-blame and guilt, which are also common reactions.
- d. Later he/she may experience feelings of helplessness, vulnerability, and/or hopelessness.
- e. Encourage him/her to contact family/friends who can provide ongoing emotional support.
- f. Focus on alleviating the victim's distress and providing reassurance by addressing safety concerns and the practical consequences of the crime. See "Consular Assistance to Victims of Crime Resource Notebook" Tab General Guidelines on Victim Assistance for appropriate language.

7 FAM 1931.3 Predict, Prepare and Inform

(CT:CON-98; 12-13-2004)

- a. What is going to happen next is a major concern of victims. Provide information indicating what is likely to happen next, about the criminal justice process (investigations, arrest, detention/release of defendants, prosecution, sentencing and appeal) and any progress in his/her criminal case. This will help the victim to prepare himself/herself and regain a sense of control.
- b. Help the victim anticipate and prepare for the range of feelings he/she may experience such as anxiety, preoccupation with the traumatic event, concerns about personal safety, or flashbacks when they experience reminders of the crime, such as seeing someone who looks like the assailant.
- c. Provide reassurance that the above reactions are common and help them anticipate them.
- d. Offer to assist in changing reservations to return home.
- e. Coordinate with the Visa Office to expedite any necessary applications for

individuals who may provide family support.

- f. Assist with the return of the remains in death cases (see 7 FAM Chapter 200 Deaths).
- g. Report the case to CA/OCS/ACS in objective terms; do not be disparaging. Avoid using graphic details, but provide enough specific information for them to understand the needs of the victim (see 7 FAM 1940).
- h. Assist victims in filing a police report; if they are reluctant, explain the purpose and usefulness of contacting police so they can make an informed decision.
- i. Assist victims with local enforcement contacts regarding safety issues.
- j. Encourage victims to have a family member or friend accompany them to trials for emotional support (however, they must understand that the cost may not be covered by any compensation program).
- k. If possible, have someone from the post attend trials involving a U.S. citizen/national victim of a serious crime.
- l. Become a point of contact for victims who return to the United States and find it impossible to obtain information from host government law enforcement or prosecution officials. They may require information about the progress of the investigation and prosecution, and/or the scheduling of court proceedings at which they must be present.
- m. Verify and update information about the compensation program in your host country. Focus host government's attention on the principles of international instruments related to the plight of victims of crime, e.g., the U.N. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
- n. Advocate on behalf of the victim by encouraging the host government to help the victim with travel expenses related to the trial.

7 FAM 1932 VICTIM ASSISTANCE FOR SPECIFIC CRIMES

(CT:CON-98; 12-13-2004)

- a. Crimes differ in severity and sensitivity and each serious crime type has unique issues; therefore, the way you assist an individual may vary according to the crime. Below are four major categories of crimes and how best to respond and to assist the victim. Also listed are things you should do before crimes are committed.
- b. See 7 FAM 300 if repatriation is necessary.

7 FAM 1932.1 Sexual Assault

(CT:CON-98; 12-13-2004)

- a. Rape is generally defined as forced or nonconsensual sexual intercourse.
- b. Sexual assault is generally used to describe a broader range of sexual offenses that involve touching or penetration of an intimate part of a person's body without consent. Sexual assault includes rape, forced sodomy, forced oral copulation, and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal or sexual gratification). **Most sexual assaults are committed by someone the victim knows. Be aware that the trauma of sexual assault often results in delayed reporting to authorities and requests for assistance.**

See the “Sexual Assault” Tab in the “Consular Assistance to Victims of Crime Resource Notebook” in the CA/OCS Intranet feature for additional guidance, referral services, background reading and resources and information for consular assistance to victims of sexual assault.

7 FAM 1932.1-1 Before the Sexual Assault Occurs

(CT:CON-98; 12-13-2004)

- a. Become familiar with local laws related to rape and sexual assault.
- b. Gather information about the procedures used in such cases by law enforcement and prosecutors in investigating and prosecuting sexual assaults. Also determine whether forensic examinations are routinely done and by whom.
- c. Develop a list of local resources, including medical facilities, and medical care and mental health providers such as doctors, nurse examiners and counselors, who have training in examining and treating rape or sexual assault victims.
- d. Be familiar with the “Consular Assistance to Victims of Crime Resource Notebook” guidelines.

7 FAM 1932.1-2 How to Assist

(CT:CON-98; 12-13-2004)

- a. Do not blame the alleged victim. The victim may be feeling shame, denial and alienation.
- b. Recognize the nature and seriousness of these crimes; elicit feelings and concerns.

- c. Assist the victim in arranging medical/forensic examinations. To be most effective these examinations should be done within 72 hours.
- d. If acceptable to the victim, assist the victim in making a police report and having a forensic examination as soon as possible.
- e. Assist the victim in addressing immediate medical needs.
 - (1) Facilitate access to medical examination and treatment for acute injuries as well as tests and treatment related to sexually transmitted diseases, HIV exposure, and pregnancy within 72 hours; and
 - (2) Advise the victim that certain rape treatments may induce abortion.
- f. Provide emotional support and most importantly mobilize support from family and/or friends.
- g. Give them information about available local services for sexual assault victims and facilitate their access to these services.
- h. Give them information about state compensation programs and provide a copy of the appropriate State Compensation Program sheet, but never promise compensation.
- i. Give them information about specialized services for sexual assault victims and resources when they return to the United States.
- j. Help them understand local criminal and civil justice systems.
- k. Provide information about the progress of the criminal case.
- l. Develop a single point of contact for the victim. Introduce your successor to victims you have been working with for a long time if your departure will be a loss to them.
- m. Report the crime to CA/OCS/ACS in a front-channel message showing "Crime Victim Assistance" on the subject line (see 7 FAM 1940).
 - (1) Report enough detail to convey the gravity of the alleged crime, without including sensational or graphic details that would be particularly painful or personal for the victim; and
 - (2) While you must take reports of sexual assault very seriously, do not state that a "sexual assault has occurred" or "a crime has been committed" in the absence of a finding by a competent authority.

7 FAM 1932.2 Homicide

(CT:CON-98; 12-13-2004)

- a. Homicide is the taking of another person's life and includes murder and manslaughter. When the death of a family member or loved one is sudden, unexpected and violent, the impact of hearing the news is very

traumatic. Survivors may experience shock, disbelief, emotional numbing, intense emotions, anger and guilt. This is often called “traumatic grief” or “complicated grief” because it includes factors not present in a death by natural causes. For example, there may be additional pain inherent in knowing that the death was caused by another person. The grief may be further complicated by prolonged involvement with the criminal justice process.

- b. You have a unique and critical role in assisting families when a U.S. citizen/national is killed overseas. From the moment of notification, the family or friends often become dependent on you for important information and assistance regarding the disposition of the remains and personal property.

See the Homicide Tab in the “Consular Assistance to Victims of Crime Resource Notebook” on the CA/OCS Intranet feature for additional guidance, referral services, background reading and resources, and information for consular assistance to victims of homicide (see 7 FAM 200 Death and Estates).

7 FAM 1932.2-1 Before Homicide Occurs

(CT:CON-98; 12-13-2004)

- a. The manner in which information and guidance is provided is critical. An understanding of the impact of homicide on surviving family members and basic principles of victim assistance will help you fulfill your responsibilities in the most compassionate and effective manner possible.
- b. Develop and keep updated informational material for relatives or friends and/or victims of homicide regarding the judicial process and other important laws and procedures in your country that they are likely to face or should know. Have the information available in written form and on your Web site. See the “in country crime-related brochure prepared by a post” available on the CA/OCS Intranet.
- c. Develop country specific scenarios and work with the RSO on outreach to the American community particularly in countries with a high volume of serious crime. Address universities, schools, religious group and others via the Overseas Security Advisory Council (OSAC) and the warden system.
- d. Become familiar with local laws related to homicide.
- e. Gather information about the procedures used in such cases by law enforcement and prosecutors in investigating and prosecuting homicide cases.
- f. Be familiar with the “Consular Assistance to Victims of Crime Resource

Notebook" guidelines on homicide (Homicide Tab) on the CA/OCS Intranet feature that also cover compensation programs, emotional support and crisis counseling, and assistance to family members with the criminal justice process.

7 FAM 1932.2-2 How to Assist

(CT:CON-98; 12-13-2004)

- a. Refer to 7 FAM 200 for guidance on death notification and disposition of remains.
- b. Do not state that "a homicide has occurred" or "a crime has been committed" in the absence of a finding by a competent authority.

Sample Notification Call

- **Introduce yourself and state that you are calling from the U.S. embassy/consulate general/consulate in (city/country)**
- **Use the victim's name. "Are you the parents (husband/wife/relative) of (Name)?**
- **"I'm afraid I have some very bad news for you." Pause to give them a chance to prepare themselves emotionally**
- **Inform simply and directly with warmth and compassion**
- **"(Name) has been killed and it appears to have been a homicide." Pause**
- **"I am so sorry." Adding our condolence is very important because it expresses feelings rather than facts, and invites them to express their own**
- **At this point, offer to call someone else to be with the next of kin if desired. Let them take the lead. They may want details or may just want to be quiet or cry**
- **"My telephone number is (give complete dialing instructions from the United States) " May I call you back in an hour and get a FAX number where I can send you important information?"**
- **"I am so sorry. I will call you back in an hour" (or an agreed upon time interval)**

c. Report the crime to CA/OCS/ACS in a front-channel message showing "Crime Victim Assistance" on the subject line (see 7 FAM 1940).

See 7 FAM 200 for additional guidance regarding the FAXED casualty message: letter of condolence, disposition of remains letter, report of death information ,and other important procedures regarding the death of a U.S. citizen abroad.

7 FAM 1932.3 Domestic Violence

(CT:CON-98; 12-13-2004)

- a. Domestic violence is a pattern of coercive behavior using intimidating, threatening, harassing, or harmful behavior that occurs between two people in a marriage or other form of intimate relationship.
- b. "Domestic violence" may involve physical, sexual, emotional, psychological abuse and/or financial or economic abuse. Domestic violence may also occur within same sex relationships; children living in an abusive home may also be victims of physical abuse or they may suffer emotional consequences from witnessing violence.
- c. Victims of domestic violence may seek your help at any point in an abusive relationship:
 - (1) When the abuse is primarily emotional;
 - (2) Shortly after the first violent incident; or
 - (3) After a pattern of physical abuse has occurred over time.
- d. See the "Domestic Violence" Tab in the "Consular Assistance to Victims of Crime Resource Notebook" on the CA/OCS Intranet feature for additional guidance, referral services, background reading and resources and information for consular assistance to victims of domestic violence.

7 FAM 1932.3-1 Before Domestic Violence Occurs

(CT:CON-98; 12-13-2004)

- a. Develop and keep updated informational material for victims of domestic violence regarding the judicial process and other important laws and procedures in your country that they are likely to face or should know. Have information available in written form and on your Web site. See "Help for American Victims of Crime Overseas" brochure.
- b. Become familiar with local laws related to domestic violence and what will/will not be prosecuted in the host country.
- c. Gather information about the procedures used in such cases by law enforcement and prosecutors in investigating and prosecuting domestic violence.

- d. Develop a list of local resources, including medical facilities, and medical care and mental health providers such as doctors, nurse examiners and counselors, who have training in domestic violence. See 7 FAM 300 for guidance on preparing a list of doctors, hospitals, and air ambulance services.
- e. Be familiar with the “Consular Assistance to Victims of Crime Resource Notebook” guidelines (Domestic Violence Tab) on the CA/OCS Intranet feature and strategies on assisting victims of domestic violence that also cover compensation programs, crisis counseling and shelter programs, and assisting family members with the criminal justice process.

7 FAM 1932.3-2 How to Assist

(CT:CON-98; 12-13-2004)

- a. The safety of the victim who reports the alleged domestic violence (and children if any are in the home) is your first concern.
- b. Don’t blame the alleged victim.
- c. Talk to him/her alone, without the spouse or children present. Do not underestimate the potential danger involved in the victim’s disclosure of domestic violence.
- d. Identify immediate medical needs and assist him/her to receive medical care.
- e. Ask if he/she has any concerns for his/her immediate safety, or that of his/her children. If yes, what are they? Does she have a plan to protect herself in the event of further violence?
- f. Ask questions to obtain specific information about the nature and severity of the abuse he/she is reporting and whether children in the home have been abused or witnessed the reported abuse?
- g. Ask if there have been previous incidents of domestic violence and whether he/she reported these to police or received medical treatment for injuries.
- h. Encourage him/her to report abuse to the police and facilitate his/her contact with police if he/she wishes to report an assault. Identify potential problems or solutions with foreign exit control laws.
- i. Help him/her obtain local law enforcement assistance with matters such as requesting an order of protection or returning to the household for personal property.
- j. Ask if there are family or friends locally who can help?
- k. Provide information about resources that address his/her physical safety and that of his/her children, his/her emotional needs, and basic issues

such as housing, food, clothing, and health.

- I. If the person requests refuge or protection and there appears to be no appropriate local resources to ensure the U.S. citizen's safety, (see 7 FAM 100 and 7 FAM 1700).
 - m. If he/she does not have a passport and wants to return to the United States, help with documentation for himself/herself and his/her children, (see 7 FAM 1300).
 - n. Alert the RSO about the situation if there are concerns about security at post.
 - o. Respect the decision the victim makes about whether to go to local authorities or return to the United States, being mindful that there are risks attached to whatever decision he/she makes.
 - p. Assess the situation and coordinate with CA/OCS/ACS about risks and options for assistance. Advise the victim of specialized resources for victims of domestic violence at post, if available, and in the United States if repatriation is planned.
 - (1) The actual departure is often a dangerous time for the victim and those accompanying him/her because the alleged assailant may become angry about their leaving;
 - (2) CA/OCS's crime victim assistance specialists may be able to help identify domestic violence victim assistance and compensation resources that may be available in the state/community if the victim returns to the United States; and
 - (3) Assist him/her to obtain copies of police reports and/or medical documentation of injuries from abuse.
 - q. Report the alleged domestic violence to CA/OCS/ACS in a front-channel message showing "Crime Victim Assistance" on the subject line. Provide enough detail to convey the gravity of the situation, including the nature of the injuries and threats, without including sensational details (see 7 FAM 1940).
 - r. While you must treat allegations of domestic violence seriously, avoid assuming or saying that "a crime has been committed" in the absence of a finding by a competent authority.

7 FAM 1932.4 Child Abuse

(CT:CON-98; 12-13-2004)

- a. You play an important role in recognizing abuse and responding when U.S. citizen children are abused or victimized overseas. See "Possible Indicators" at Child Abuse tab in the "Consular Assistance to Victims of

Crime Resource Notebook," on the CA/OCS Intranet feature. In most cases of reported child abuse, you will work with local authorities who will be responsible for determining whether a child has been abused and what protective action will be taken (see 7 FAM 1720).

- b. Because local resources and approaches to child abuse vary significantly in different countries, you should notify CA/OCS/ACS to coordinate your response and assistance. When local authorities are not available to provide protection for an abused U.S. citizen child (see 7 FAM 110 and 7 FAM 1720).
- c. Close coordination with OCS/ACS and International Social Service USA (ISS), the Department of Health and Human Services' contractor in repatriation and resettlement cases, may also be required if the child is repatriated; CA/OCS/ACS will also consult with a CA/OCS victim assistance specialist for referral to specialized diagnostic and treatment programs in the United States.

7 FAM 1932.4-1 Before Child Abuse Occurs

(CT:CON-98; 12-13-2004)

- a. Develop and keep updated informational material for child abuse victims regarding the judicial process and other important laws and procedures in your country they are likely to face or should know. Have available in written form and on your post Internet page.
- b. Become familiar with the local civil and criminal laws regarding child abuse and neglect.
 - (1) What is the role of law enforcement in investigating child abuse?
 - (2) Are there mandated reporters, i.e., professionals who are required by law to report suspicion or evidence of child maltreatment?
 - (3) What are the procedures for investigating abuse if a U.S. citizen/national child has been reported to be abused?
 - (4) Are there child protection agencies available? Where would a child be placed if he/she were removed from his/her home? If not, identify resources in the U.S. community that could provide assistance on a short-term basis.
 - (5) Do not enter the child's home without the permission of the parent or guardian, unless you are accompanying a local social services or law enforcement official that has a legal right to enter the premises. If a parent or guardian will not permit access, notify CA/OCS/ACS.
 - (6) Identify local resources that have expertise in handling child victims. What medical resources could be used for the medical examination of the U.S. citizen/national child who has been

physically or sexually abused?

- (7) What mental health resources could be used to assess the mental health needs of the abused child?
- (8) Identify experts in the fields of child abuse, child medical treatment, and child mental health within the U.S. community.

7 FAM 1932.4-2 How to Assist – General Guidelines

(CT:CON-98; 12-13-2004)

- a. The protection of the child from further abuse from the alleged perpetrator is a key issue in child victim cases. In most cases local authorities are responsible for assessing (through interviews and medical examination) whether abuse occurred, who was responsible, and whether the child is in danger of further abuse.
- b. Respond expeditiously to allegations of child abuse.
- c. Contact the family and local child protection agency and/or law enforcement and gather information about the reported abuse.
- d. If no child protection or law enforcement agency is involved, you should consult with CA/OCS/ACS about appropriate action to ensure the protection and safety of the U.S. citizen/national child.
- e. Be alert to conditions that place children at risk of further serious injury and continually convey the interest of the U.S. Government in the protection and welfare of the child to competent local authorities.
- f. Send a front-channel cable (CASC tag) including the following (see 7 FAM 1940):
 - (1) The child's name, and date and place of birth;
 - (2) The parents' names, dates and places of birth;
 - (3) Passport numbers of child and parents if available;
 - (4) The nature of the abuse or neglect allegation (avoid lurid or graphic details);
 - (5) The child's condition and current location and custody;
 - (6) Identify issues related to protection from further abuse, custody, health and mental health needs and law enforcement and/or child protective service actions; and
 - (7) Indicate whether local authorities are available to assess and document the allegation of abuse and/or to protect the child from further abuse (see 7 FAM 1720).
- f. Consult with CA/OCS/ACS regarding actions to be taken and services that may be needed. The ACS officer will coordinate with the OCS victim

assistance specialists about services and assistance that may be appropriate for the child victim and the family.

- g. Monitor the situation closely when a child is placed in foster care. Inquire about the local agency's short-term and long-term plans for the child.
- h. Actively ensure the appropriate planning for and custody of the child if the parents or guardians are prosecuted or incarcerated.
- i. Be alert to practices of local agencies that further traumatize a U.S. citizen/national child victim and notify CA/OCS/ACS if you believe that a child is being physically or psychologically injured through the process.
- j. While you must treat allegations of child abuse seriously, avoid assuming or saying that a "crime" has been committed in the absence of a finding by a competent authority or court.

7 FAM 1932.4-3 Investigations by Child Protective Services

(CT:CON-98; 12-13-2004)

- a. When a local child protective service agency is investigating a child abuse allegation, you should arrange to visit and interview the child as soon as possible and gather the following information from relevant agencies and/or the family.
 - (1) What is the nature of allegation?
 - (2) Who is accused? Are criminal charges pending or filed? If yes, what are the charges and potential penalties? Does the child have the support of a non-accused adult family member?
 - (3) Are there siblings in the home and what is their status? Are they at risk? What is the plan for them?
 - (4) If the sole custodial parent, both parents or legal guardian are accused and may be prosecuted by the host government, what arrangements are in place for the child's temporary placement/longer term placement?
- b. You should work to ensure that:
 - (1) The child is safe from further abuse;
 - (2) A medical examination is performed and treatment needs are identified and addressed;

All victims of child sexual abuse must have a medical examination by a person with training in sexual abuse examination. Physically abused and neglected children must also be examined by a doctor for injuries and to chart physical/mental development. This treatment may not be available in the host country. Referral to a child advocacy center in the United States and crime victim assistance program are particularly important in such cases.

- (3) Appropriate interviews are conducted to determine the nature and extent of the abuse or neglect, and the person responsible;
- (4) The child's mental health needs are being addressed; and
- (5) Both short-term and long-term plans for the child are developed.

7 FAM 1933 THROUGH 1939 UNASSIGNED